



30 August 2023

Madhur Ahuja

fyi-request-23857-28a9e1cb@requests.fyi.org.nz

Ref: DOIA-2324-0337

Tēnā koe Madhur,

Thank you for your email of 16 August 2023 requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. What is the effect of issuing a Deportation Liability Notices (DLN) that is based on incorrect assessment?*
- 2. What is the effect of issuing a DLN that is based on unclear assessment?*
- 3. What is the process to obtain cancellation of a defective DLN in such scenarios?*

Our Response

If a person served a deportation liability notice (DLN) believes it was issued based on an incorrect/unclear assessment, they have a right to appeal the decision based on the facts. New Zealand residents and permanent residents whose liability for deportation arises under sections 155, 156(1)(b), 158(1)(b), 159 or 160 of the Immigration Act 2009, and recognised refugees or protected persons whose liability for deportation arises under section 162(1) of the Immigration Act 2009 may appeal to the Immigration and Protection Tribunal (the Tribunal) on the facts within 28 days from the service of the deportation liability notice.

Where the person does not lodge an appeal against their deportation liability, a deportation order may be served the day after the expiry of the 28-day appeal period.

Where the person has lodged an appeal, and the Tribunal allows the appeal against liability for deportation on the facts, the person's liability is cancelled.

If the person's liability for deportation is upheld, a deportation order may be served 28 days after the Tribunal's decision. However, the person may apply for leave to appeal to the High Court against the Tribunal's decision. Sections 245 and 246 of the Immigration Act 2009 outline the process for applying for leave to appeal to the High Court. The person may also apply for judicial review of the Tribunal's decision.

The process and the grounds for determining an appeal against liability for deportation on the facts are outlined in sections 201 - 205 of the Immigration Act and on the Tribunal website:

www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440303.html

www.justice.govt.nz/tribunals/immigration-protection-tribunal

You have the right to seek an investigation and review by the Ombudsman of the Ministry's response to your request, in accordance with section 28(3) of the Act. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact inzoias@mbie.govt.nz.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Catriona Robinson', with a stylized flourish at the end.

Catriona Robinson
Associate Deputy Secretary Immigration
Immigration New Zealand